Remarks

No claims have been amended. No claims have been canceled. Claims 1-40 remain pending in the application.

35 U.S.C. §103

The Examiner rejected claims 1-40 under 35 U.S.C. 103(a) as being unpatentable over Fascenda, U.S. Patent No. 6,466,937 (Fascenda '937) in view of Tobias, U.S. Patent No. 6,873,877 (Tobias '877). The Examiner also mentions a Kirsch reference, but the sections described appear to be from Tobias '877. As such, the Applicant has interpreted the Examiner's remarks to be directed to Tobias '877 and has responded accordingly below. If this interpretation is in error, the Applicant requests the opportunity to amend the following remarks after clarification from the Examiner.

Fascenda '937 generally describes: (i) utilizing a transaction and template database, and (ii) generating a page based on both the template and information from the transaction database. The Examiner has cited passages in Fascenda '937 as describing a delta encoder; however, no such delta encoder is described in the cited passages. Furthermore, Applicant has found no description of a delta encoder anywhere in Fascenda '937. As defined by present independent claims 1, 14, and 29, a delta encoding device calculates delta information for a requested web page based on template information. Fascenda '937 simply does not disclose the use of any delta encoder.

Even if the Applicant accepted the Examiner's assertion that Fascenda '937 does disclose the use of a delta encoding function, the Examiner acknowledges that the delta encoding function disclosed is not separate from the request server as claimed in the instant application.

The Examiner has cited Tobias '877 as disclosing a delta encoder separate from the request server. Applicant acknowledges that Tobias '877 discloses a distribution unit 108 that distributes encoding orders to encoders 116, 118, 120. However, Tobias '877 does not disclose any form of delta encoder. In fact, Tobias '877 is from a non-analogous technical art directed to multi-media encoding for music, photos, movies, and

the like. In such multi-media technical arts, the media being encoded is not derived from templates and as such no delta information exists. As a result, no delta encoders are described or even contemplated by Tobias '877. In short, the teachings of Tobias '877 are from a non-analogous technical art that fails to describe any feature of the present invention as now claimed.

Present independent claims 1, 14, and 29 claim the use of a request server that forwards requests to a delta encoder and template server. In particular, the present invention as claimed contemplates a system where the request server is separate from the delta encoder. Fascenda '937 does not disclose such a system with separate request serving and delta encoding elements. Such a difference can be important to overall system performance. In the present system as claimed, the request server is separate from the delta encoder and template server. This system arrangement permits load balancing by the request server to a variety of delta encoders and template servers. Additional details of this load balancing function are presently claimed in dependent claims 5 and 6 and further described in paragraph [0032] of the specification.

Applicant respectfully suggests that Fascenda '937 and Tobias '877, when considered individually or together in combination, fail to suggest or teach all of the elements of the presently pending claims. If the teachings of Fascenda '937 and Tobias '877 are combined together as suggested by the Examiner, then a request server would have delta encoding capability included in it. Such a combination falls short of teaching the present invention as claimed. In particular, both Fascenda '937 and Tobias '877 fail to teach the use of a delta encoder separate from a request server as presently claimed in independent claims 1, 14, and 29.

Claims 2-13 depend from claim 1 and therefore are allowable over Fascenda '937 and Tobias '877 for the same reasons that claim 1 is allowable. Claims 15-28 depend from claim 14 and therefore are allowable over Fascenda '937 and Tobias '877 for the same reasons that claim 14 is allowable. Claims 30-40 depend from claim 29 and therefore are allowable over Fascenda '937 and Tobias '877 for the same reasons that claim 29 is allowable.

In addition, dependent claims 4, 21, and 32 are directed to sending statistical information about the benefits of the delta encoder to the template server. The Examiner asserted that Fascenda '937 at column 11, lines 7-21 and column 13, lines 56-65 teach sending of statistical information. Upon review, the Applicant respectfully disagrees. The sending of statistical information is not described or taught in either these passages or anywhere else in the Fascenda '937 reference.

Dependent claims 5, 16, and 33 are directed to having several delta encoders associated with a request server and having the delta encoders logically remote from the template server. Dependent claims 6, 17, and 34 are directed to: (i) having several devices or request servers configured to respond to a request and (ii) having the devices or request servers logically remote from the template server. Examiner asserted that Tobias '877 at column 7, lines 46 through column 8, line 10 teach using delta encoders as presently claimed in these dependent claims. As previous noted, the Applicant respectfully disagrees. Tobias '877 does not describe in these passages or anywhere else in its text described using delta encoders. Since Tobias '877 is from a non-analogous technical art that does not have data divided into template information and delta information, this lack of describing delta encoders is not unexpected. In short, Tobias '877 does not teach distributing a request to devices that compute delta information as claimed in the instant application in dependent claims 5, 6, 16, 17, 33, and 34.

Dependent claims 9-11, 25, 26, 37, and 38 are directed to clientless delta caching systems that have a program fragment sent as part of the delta information. The user of such a program fragment in the delta information is not taught by Fascenda '937. For example, such a program fragment could enable retrieving template information at the client device. The Applicant respectfully points out that the figure and column of text in Fascenda '937 identified by the Examiner does not, and other parts of the same reference do not, teach having delta information with program fragments as presently claimed.

Therefore, under 35 U.S.C. 103(a), Fascenda '937 and Tobias '877 both fail to teach the present invention as claimed in claims 1-40 and a withdrawal of this rejection is respectfully requested.

The Applicant has reviewed the other references cited the by Examiner and determined that they do not teach or suggest the present invention as claimed.

<u>Conclusion</u>

On the basis of the foregoing, Applicant respectfully submits that claims 1-40 are now believed to be in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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